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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/637,211

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Peter J. Nashif

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29074

7590

06/13/2008

VISTEON

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EXAMINER

SUTHERS, DOUGLAS JOHN

ART UNIT

PAPER NUMBER

2615

MAIL DATE

DELIVERY MODE

06/13/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/637,211	Applicant(s) NASHIF ET AL.	
	Examiner DOUGLAS SUTHERS	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10 and 14-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10 and 14-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Art Unit: 2615

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2615.

2. Claims 1-9 and 11-13 have been cancelled. Claims 10 and 14-23 remain pending and are addressed in this office action.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10, and 14-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasuhara (US 2003/0053638 A1) in view of Langer (US 2002/0102949 A1) and Mershon (US 6212282 B1).

5. Regarding claim 10, Yasuhara discloses an automotive multimedia entertainment system for an automotive vehicle having a plurality of audio output devices, the system comprising:

an audio system adapted to communicate with the plurality of audio output devices, the audio system having a first and second output channel (figure 9, channels of 91 and 92);

a headphone including controls (paragraph [0038]);

a wireless communication link for providing audio signals to the headphone (from 3 to 13);

a wireless communication link for providing a set of control signals to the audio system (from 14 to 3);

a set of front speakers (10) and a set of rear speakers(11), the sets of front and rear speakers being in communication with the audio system, the audio system having a switch with first and second modes, in the first mode the switch connecting the set of front speakers and the set of rear speakers to the first output channel (paragraph [0122]), the second mode including the set of rear speakers being deactivated, the switch beginning transmission of an audio signal from the second output channel to the headphone to (paragraph [0122]) and the from speakers continuing to receive audio signals from the first output channel (paragraph [0122]).

Yasuhara does not expressly disclose multiple controls being on the headphone a two way wireless link.

Langer discloses including controls (12), the controls adapted to configure an audio system; and

a two way wireless communication link (figure 2) providing audio signals to the headphone and providing a set of control signals to the audio system; and

wherein the headphone includes a power on control located on the headphones and the headphone is adapted to automatically send signals to the audio system over the two-way wireless communication link to change the mode of the audio system when the power on control is activated (paragraph [0017], jack 16 inserted powers on audio receiving circuitry and sends mute signal).

Mershon discloses wherein the controls are on the headset itself.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the headphone and controls of Langer and the placement of Mershon in the system of Yasuhara. The motivation for doing so would have been have fewer items in the vehicle that could get misplaced, broken, or take up space. Therefore, it would have been obvious to combine Langer and Mershon with Yasuhara to obtain the invention as specified in claim 10.

6. Regarding claim 14, Langer discloses wherein the headphone includes a transceiver (figure 2).

7. Regarding claim 15, Langer discloses wherein the transceiver is an infrared transceiver (paragraph [0010]).

8. Regarding claim 16, Langer discloses wherein the transceiver is a radio frequency transceiver (paragraph [0010]).

Art Unit: 2615

9. Regarding claim 17, Langer discloses the headphone embodied as a universal remote (paragraph [0009]). Although Langer does not expressly disclose ability to have multiple universal remote controls, the examiner takes official notice that the ability to have multiple remote controls was well known in the art. The motivation to do so would have been to allow for a control for each user needing to control the devices, and allowing for replacements in case of damage or loss. Therefore at the time of invention, it would have been obvious to one of ordinary skill in the art to further comprise at least one additional headphone including controls adapted to configure the audio system, each additional headphone adapted to communicate the set of control signals over the two-way communication link such that the set of control signals from the headphone are interchangeable with the set of control signals from the at least one additional headphone.

10. Regarding claim 18, Yasuhara discloses a method for controlling an automotive multimedia entertainment system comprising the steps:

transmitting a first audio signal (figure 1) from a first channel of an audio system to a set of front speakers (10) and a set of rear speakers (11);

transmitting a control signal over a wireless communication link to the audio system (from 14 to 3) when a power on control in the headphone is activated (transmits signal when a power on control is activated or not activated);

deactivating the rear set of speakers (paragraph [0122]); and

transmitting a second audio signal from a second channel of the audio system over a wireless communication link to the headphone (paragraph [0122]), facilitating configuration of the second channel using controls (controls of remote), and continuing to provide audio signals from the first output channel based on the control signal.

Yasuhara does not expressly disclose multiple controls being on the headphone a two way wireless link.

Langer discloses transmitting a control signal (12) over a wireless communication link to the audio system (figure 2) when a power on control in the headphone is activated (paragraph [0017], jack 16 inserted powers on audio receiving circuitry and sends mute signal).

Mershon discloses wherein the controls are on the headset itself.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the headphone and controls of Langer and the placement of Mershon in the system of Yasuhara. The motivation for doing so would have been have fewer items in the vehicle that could get misplaced, broken, or take up space. Therefore, it would have been obvious to combine Langer and Mershon with Yasuhara to obtain the invention as specified in claim 18.

11. Regarding claim 19, Yasuhara discloses wherein the steps of deactivating of the rear set of speakers and transmitting the second audio signal to the headphone occur simultaneously (paragraph [0122]).

12. Regarding claim 20, Langer discloses further comprising the step of generating a control signal in response to a control mounted to the headphone (figure 2 item 22).

13. Regarding claim 21, Langer discloses wherein the step of deactivating the rear set of speakers and transmitting an audio signal to the headphones occurs automatically as the headphones are powered on (paragraph [0017], jack 16 inserted powers on audio receiving circuitry and sends mute signal).

14. Regarding claim 22, Langer discloses wherein the wireless communication link is an infrared wireless communication link (paragraph [0010]).

15. Regarding claim 23, Langer discloses wherein the wireless communication link is a radio frequency wireless communication link (paragraph [0010]).

Response to Arguments

16. Applicant's arguments filed April 7th, 2008 have been fully considered but they are not persuasive.

17. Applicant argues in general that the features of the independent claims are not taught wholly by each cited reference, however they fail to expressly point out what is not taught by the combination of the references or show why the combination of such is improper.

Conclusion

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS SUTHERS whose telephone number is (571)272-0563. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571)272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Douglas Suthers/
Examiner, Art Unit 2615

/Vivian Chin/
Supervisory Patent Examiner, Art Unit 2615